

Approved:



THOMAS S. BURNETT
Assistant United States Attorney

Before: HONORABLE ROBERT W. LEHRBURGER
United States Magistrate Judge
Southern District of New York

21 MAG 10038

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	:	
UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
	:	
- v. -	:	Violation of
	:	21 U.S.C. § 846
WANDER CARABALLO PACHE, and	:	
CANDELARIO MARTINEZ	:	
	:	COUNTY OF OFFENSE:
Defendants.	:	BRONX
	:	
- - - - -	x	

SOUTHERN DISTRICT OF NEW YORK, ss.:

RICHARD VERGARA, being duly sworn, deposes and says that he is a Special Agent with the Department of Homeland Security, Homeland Security Investigations ("HSI") assigned to a group that works with the Drug Enforcement Administration ("DEA") and charges as follows:

COUNT ONE
(Narcotics Conspiracy)

1. In or about October 2021, in the Sothern District of New York and elsewhere, WANDER CARABALLO PACHE and CANDELARIO MARTINEZ, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and object of the conspiracy that WANDER CARABALLO PACHE and CANDELARIO MARTINEZ, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance that WANDER CARABALLO PACHE and CANDELARIO MARTINEZ, the defendants, conspired to distribute and possess with intent to distribute was 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

4. I am a Special Agent with HSI and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation, and my conversations with law enforcement officers, law enforcement employees, and witnesses, as well as a review of documents. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of this investigation. Where the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. Based on my participation in this investigation, my review of documents, and my conversations with other law enforcement officers, including law enforcement officers who have spoken with a confidential source working at the direction of law enforcement ("CS-1")¹, I have learned, in substance and in part, the following:

a. On or about October 14, 2021, CS-1 communicated with an individual, later identified as WANDER CARABALLO PACHE, the defendant, over the phone and arranged for CS-1 to obtain a sample of fentanyl from PACHE. CS-1 and PACHE agreed to meet at a fast food restaurant (the "Restaurant") in the vicinity of Webster Avenue and Clay Avenue in the Bronx, New York.

¹ CS-1 was previously convicted and sentenced for narcotics charges. CS-1 has completed CS-1's term of incarceration and has been providing information to law enforcement in exchange for financial benefits. Information provided by CS-1 has proven reliable and has been corroborated by, among other things, events and individuals independently observed by law enforcement and has led to multiple arrests, including arrests of individuals unlawfully possessing firearms.

b. That evening, PACHE met CS-1 in the parking lot of the Restaurant. Law enforcement officers observed PACHE in a white Dodge Durango (the "Durango"). Law enforcement officers observed PACHE leave the Durango, go to CS-1's car, and hand CS-1 an object through the window.

c. CS-1 gave law enforcement officers the object that PACHE handed him. The object was a food container from the Restaurant with a plastic-wrapped package inside. That package contained a substance that subsequently field-tested positive for fentanyl.

d. Between on or about October 15, 2021 and October 20, 2021, CS-1 and PACHE communicated multiple times over the phone. During those conversations, PACHE informed CS-1, in substance and in part, that he had approximately 14 kilograms of fentanyl at his home.

e. Based on my review of registration information for the Durango, I have learned that the Durango is registered to an address on Tilghman Street in Allentown, Pennsylvania.²

f. CS-1 arranged to purchase approximately two kilograms of fentanyl from PACHE, and CS-1 and PACHE agreed to meet in the vicinity of Noble Avenue and Watson Avenue in the Bronx, New York, on or about October 20, 2021, to complete the transaction.

g. On or about October 20, 2021, in the evening, law enforcement officers observed PACHE and another individual, later identified as CANDELARIO MARTINEZ, the defendant, standing in the vicinity of Noble Avenue and Watson Avenue, appearing to talk with one another. The Durango was parked near where PACHE and MARTINEZ were standing.

h. CS-1 spoke to PACHE over the phone, and CS-1 and PACHE agreed to meet at a location other than Noble Avenue and Watson Avenue. Law enforcement officers conducting surveillance observed PACHE on the phone during the call.

i. Following the call between CS-1 and PACHE, law enforcement officers observed MARTINEZ enter the driver's seat of

² The Durango is registered to a person other than PACHE, but as described above, law enforcement officers observed PACHE using the Durango.

the Durango and PACHE enter the driver's seat of another vehicle ("Vehicle-1") parked nearby.

j. Law enforcement officers stopped the Durango and had MARTINEZ step out of the car. Law enforcement officers observed, through the windows of the Durango, a cardboard box in the back passenger compartment. Law enforcement officers conducted a search of the Durango, during which they found the cardboard box in the back passenger compartment. Inside the cardboard box was a bag containing two plastic-wrapped bricks (the "Packages"). Based on my experience investigating narcotics trafficking and my participation in this investigation, I recognize that the manner in which the Packages are wrapped is consistent with how narcotics traffickers often package fentanyl.

k. Law enforcement officers placed MARTINEZ under arrest.

l. Law enforcement officers also stopped Vehicle-1 and placed PACHE under arrest.

m. After being read a *Miranda* warning, MARTINEZ agreed to speak to law enforcement. MARTINEZ stated, in substance and in part, the following³:

i. PACHE lives on Tilghman Street in Allentown, Pennsylvania and is MARTINEZ's cousin.

ii. PACHE offered to pay MARTINEZ approximately \$1,000 if MARTINEZ helped PACHE move something.

iii. MARTINEZ thought what he was helping PACHE move must be dirty because of what PACHE was offering to pay, and MARTINEZ suspected he was helping move cocaine.

iv. On or about October 20, 2021, MARTINEZ met PACHE in the vicinity of PACHE's residence on Tilghman Street in Allentown. PACHE and MARTINEZ drove to the Bronx in separate cars.

³ The interview of PACHE was conducted primarily in Spanish by law enforcement officers fluent in Spanish. Descriptions of PACHE's statements herein are based on preliminary translations by those officers.

WHEREFORE, the deponent respectfully requests that WANDER CARABALLO PACHE and CANDELARIO MARTINEZ, the defendants, be imprisoned or bailed, as the case may be.

S/ by the Court with permission

RICHARD VERGARA
Special Agent
HSI

Sworn to me through the transmission of this Affidavit by reliable electronic means, pursuant to Federal Rules of Criminal Procedure 4.1 and 41(d)(3), this 21th day of October, 2020 (2021)



THE HONORABLE ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK